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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,476	03/13/2000	Carl Robert Posthuma	22/LUC-144	6933

32205 7590 08/28/2003

PATTI & BRILL
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EXAMINER

STEVENS, ROBERTA A

ART UNIT	PAPER NUMBER
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2665

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DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/524,476

Applicant(s)

POSTHUMA, CARL ROBERT

Examiner

Roberta A Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 and 18-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Holcman (U.S. 6115607).

3. Regarding claims 1-4, Holcman teaches (abstract, column 3-5 and figure 2) a system for providing data communications between a first data device and a network switch comprising: a pilot branch for communicating with the first data device via pilot signals when the data device is in a sleep mode; a data branch for providing data communications between the first data device and the network switch when the first data device is active; and a controller circuit for monitoring the pilot signals.

4. Regarding claim 5-9, Holcman teaches (columns 3-5) a crosspoint device for switching the first data device from the pilot branch to the data branch and for switching a second data device from the data branch to the pilot branch when the first data device is switched from the pilot branch to the data branch in response to the controller; and wherein the controller circuit monitors operations of the second data device and, based on the monitored operation, instructs the crosspoint device to switch the second data device.

5. Regarding claims 18-27, Holcman teaches (figure 2) a system for selectively establishing data communications between a plurality of data devices and a network switch comprising a data

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branch for establishing the data communications between one or more of the data devices and the network switch; and a controller circuit for detecting when each of the data devices is active or inactive and for connecting active ones of the data devices to the data branch

6. Regarding claims 28-38, Holcman teaches (columns 3-5) a method for providing data communications between a data device and a network interface comprising; detecting when the data is active; connecting the data device to a data branch to establish data communications between the active data device and the network interface; detecting when the data device is inactive; and disconnection the inactive data device from the data branch.

7. Claims 10-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Willey (U.S. 6505058).

8. Regarding claims 10-17, Willey teaches (figure 4A and 4B) a system for routing data transmitted over a subscriber line that couples a communication interface and an interface circuit comprising: a pilot circuit transmitter for transmitting a pilot signal to the communication interface; a crosspoint circuit for receiving a wake up signal in response to the pilot signal from the interface circuit; and a controller for determining a route of the wake-up signal and for instructing the crosspoint circuit to transmit the wake-up signal in accordance with the determined route

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greszczuk (U.S. 6445730 B1), Hong (U.S. 6337984 B1), Roberta (U.S. 6212398 B1), and Owen (U.S. 6069880) are cited to show the state of the art.

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10. Any inquiry concerning the communication or earlier communications from the examiner should be directed to Roberta Stevens whose telephone number is (703) 308-6607. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:30 p.m.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor can be reached on (703) 308-6602.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305-3900.

13. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 746-9515

For informal draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, VA. Sixth Floor (Receptionist).

Roberta A. Stevens

Patent Examiner

08-20-03



ALPUS H. HSU
PRIMARY EXAMINER